

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

07 CR 387 (CM)

PLUTARCO ANGULO-AGUIRRE, et al.,  
Defendants.

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DEFENDANT RAFAEL RODRIGUEZ'S PROPOSED VOIR DIRE REQUESTS

PAUL P. RINALDO  
Attorney for Defendant  
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The defendant respectfully requests that the questions listed below be put to each prospective juror.

1. The charges in this case contain crimes of violence and involve the use of weapons. Would any feelings that you have about the possession of firearms interfere with your ability to render a fair and impartial verdict based solely upon the evidence in this case and the Court's instructions as to the law?
  - 1a. Does the nature of the charges create in you any prejudice against the defendants?
  - 1b. Do you have any present opinion as to the guilt or innocence of the defendants on any of the charges contained in the Indictment?
  - 1c. If you are selected as a juror in this case, would you be willing and able to render a verdict based solely on the testimony you will hear and the facts and documents in evidence?
  - 1d. Are there any allegations contained in the summary of the charges I have read to you which would cause you any difficulty in rendering a fair and impartial verdict in this case?
2. Have you or any member of your family ever been the victim of a crime involving weapons?

2a. Has anyone you know ever been the victim of a crime involving weapons?

3. The defendants have been charged with violating certain provisions of the criminal law of the United States. The charges are contained in an indictment which was voted by a grand jury. An indictment is merely an accusation. It is a method by which individuals who, it is claimed violated the law, are called into a court of justice. The indictment is not evidence of guilt of a defendant, nor does it detract in any degree from the presumption of innocence with which the law surrounds an accused. A defendant is presumed to be innocent of any charge against him, and the Government has the burden of establishing the defendant's guilt to your satisfaction beyond a reasonable doubt. The function of the jury is to decide questions of fact. The jurors are the sole judges of the facts and as such must judge the credibility of the witnesses and the weight to be given to their testimony, and nothing the Court or the lawyers say or do may in any way encroach on the jury's role as the exclusive fact finder. At the conclusion of the case, the jury's function will be to determine whether the charges have been proved beyond a reasonable doubt. If, based on all evidence, a juror has a reasonable doubt as to a defendant's guilt, he or she must return a verdict of not guilty. If, however, based on all the evidence, a juror finds beyond a reasonable doubt that

the law has been violated as charged, he or she must vote a verdict of guilty.

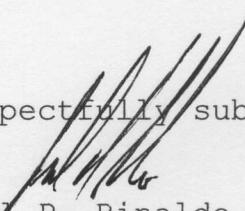
Do you have any mental reservations about accepting the following general principles of law?

- 3a. No unfavorable inference may be drawn against a person because he is prosecuted for an alleged crime by the United States or by the United States Attorney whose office is prosecuting this case.
- 3b. Anyone accused of a crime is presumed to be innocent, which presumption continues even while the jury deliberates and entitles a defendant to a finding of not guilty unless the jury finds that his guilt has been established beyond a reasonable doubt.
- 3c. The burden is, at all times, upon the prosecution. The defendant has no burden of offering proof or of testifying in his own defense, and if he does not do so, no unfavorable inference may be drawn against him.
- 3d. A defendant may not be convicted upon mere suspicion or conjecture.

4. Will you follow the Court's instructions that the fact that an individual has been named in an indictment is no evidence whatsoever of his guilt?

5. Do you know of any reason why could not or should not sit as a juror in this case?

Dated: Forest Hills, New York  
May 27, 2008

Respectfully submitted,

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